

**Before the
Federal Communications Commission
Washington, D.C. 20554**

NOV No. V20083240007

Released: January 3, 2008

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Jose Torres, licensee of amateur radio station N3TX in Philadelphia, Pennsylvania.
2. On December 11, 2007, agents of the Commission’s Philadelphia Office monitored radio station N3TX located in Philadelphia, PA, and observed the following violations:
 - a. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” According to the license for station N3TX, Jose Torres is authorized to operate on “Amateur Extra” frequencies only. On December 11, 2007, agents from this office determined using direction finding techniques that a radio transmitter was operating from your residence on the frequency 26.71 MHz, which is not an “Amateur Extra” frequency.
 - b. 47 C.F.R. § 97.119(a)(b)(2): “Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions.” On December 11, 2007, the agents monitored and recorded radio transmissions from 7:49 pm to 8:12 pm and from 9:41 pm to 10:01 pm on 26.71 MHz and

¹47 C.F.R. § 1.89.

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observed that the amateur station did not transmit any call signs during such transmissions.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Jose Torres, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, should include a time line for completion of pending corrective action(s), and a telephone number where the station operator can be contacted. The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Jose Torres at his address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq*